

1-1-.13 Disqualification from Driving a Commercial Motor Vehicle. ~~Amended~~

Any person is subject to a license suspension and/or commercial driving disqualification in accordance with applicable federal and state law. -The following non-exclusive list of Georgia commercial disqualifications will be applied to the driving record.

~~1.~~ (1) Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders;

~~1.~~ (a) First violation – a period of not less than 180 days and not more than one (1) year.

~~2.~~ (b) Second violation – a period of not less than two (2) years and not more than five (5) years.

~~3.~~ (c) Third or subsequent violation – a period of not less than three (3) years and not more than five (5) years.

~~4.~~ (d) A period of not less than 180 days nor more than two (2) years for a first conviction while transporting hazardous materials required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than fifteen (15) passengers, including the driver.

~~5.~~ (e) A period of not less than three (3) years nor more than five (5) years if, during any ten (10) year period, any subsequent convictions, while transporting hazardous material required to be placarded under the Federal Hazardous Materials Transportation Law (49 U.S.C. Chapter 51), or while operating a motor vehicle designed to transport more than fifteen (15) passengers, including the driver.

~~6.~~ (f) In addition to any other penalty imposed pursuant to this article, any driver who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than \$2,500.00 for a first offense and not less than \$5,000.00 for a second or subsequent offense.

~~2.~~ (2) Any person is disqualified from driving a commercial motor vehicle for a conviction of a serious traffic violation as defined in O.C.G.A. §40-5-142(22) as noted below.

~~1.~~ (a) Not less than sixty (60) days if convicted of two (2) serious traffic violations arising from separate incidents occurring within a three (3) year period as measured from the dates of arrests for which convictions were obtained.

~~2.~~ (b) Not less than 120 days if convicted of a third or subsequent serious traffic violation arising from separate incidents occurring within a three (3) year period as measured from the dates of arrests for which convictions were obtained.

(3)- Any person disqualified from driving a commercial motor vehicle for a period of three (3) years if convicted of a first violation of using a commercial motor vehicle in the commission of a felony, or a major traffic violation provided that the vehicle being operated or used in connection with such violation or commission of such felony is transporting a hazardous material required to be placarded under Section 105 of the Hazardous Materials Transportation Act, 49 U.C.C. app. 1804.

(4)- Any person is disqualified from driving a commercial motor vehicle for a conviction of a major traffic violation as defined in O.C.G.A. §40-5-142 (18.2) as noted below.

~~1.~~ (a) First conviction – one (1) year.

~~2.~~ (b) Second or subsequent conviction – lifetime.

(5)- Any person is disqualified from driving a commercial motor vehicle for life who knowingly uses a motor vehicle in the commission of any felony involving the manufacture, distribution, cultivation, sale, transfer of, trafficking, or dispensing of a controlled substance or marijuana, or possession with intent to manufacture, distribute, cultivate, sell, transfer, traffic in, or dispense a controlled substance or marijuana.

Authority: O.C.G.A. §§ ~~40-5-156, 40-16-5(c), 40-5-142, and 49 C.F.R. 383.51, 49 C.F.R. § 390.9.~~

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this amendment is to review and update the Commercial Driver's Licensing rules.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE

A missing word (driver) is added to paragraph (1)(e). The rule title, numbering format, and statutory authority are updated.